

THE SECTION 106 REVIEW PROCESS

Section 106 refers to the part of the National Historic Preservation Act (NHPA) that requires federal agencies to consider how projects they undertake, permit, approve, license, or fund can affect historic properties. The NHPA was established in 1966 by Congress in order to aid in the preservation of the nation's historic cultural resources.

TO SUCCESSFULLY COMPLETE SECTION 106 REVIEW, FEDERAL AGENCIES COMPLETE THE FOLLOWING STEPS:

1 Initiating Section 106

Once a project is proposed, its area of potential effect (APE) is defined. The APE is the geographic area within which the project may have the potential to cause effects on historic properties. The public is notified and consulting parties are also identified during this step.

2 Identifying Historic Properties

The federal agencies then conduct research and field work to identify properties in the APE and determine if any are listed or eligible for listing in the NRHP. If no historic properties are present, or will be affected, the 106 process stops here.

3 Assessing Effects

Next, federal agencies must determine how those identified historic properties may be affected, based on the type of project that is being undertaken. Effects can be direct, indirect, or cumulative, and adverse or not adverse.

4 Achieving a Resolution

Finally, it is the agency's responsibility to explore measures to avoid, minimize, or mitigate adverse effects to historic properties, typically through an agreement with SHPO and/or THPO. Determination of adverse effect does not stop a project.

SIMPLY PUT, A SECTION 106 REVIEW HOLDS AGENCIES PUBLICLY ACCOUNTABLE FOR PLANNING DECISIONS.

Who Are Consulting Parties?

Consulting parties are individuals and organizations with a demonstrated interest in the project that are invited to participate in the Section 106 process. Consulting parties use their knowledge of the area to help identify historic and archaeological properties and to review effects documentation.

The Advisory Council on Historic Preservation (ACHP), State Historic Preservation Officer (SHPO), Federally Recognized Indian Tribes/(THPOs), and Local Governments are required to participate as consulting parties during Section 106 review:

Invited consulting parties may also include:

- County Commissions • Local Libraries • Historical Societies
- Local Museums • Religious Organizations • Community Groups

What Are Historic Properties?

For the Section 106 process, a historic property is generally defined as a historic or archaeological resource that is 50 years old or older and is listed in, or eligible for listing in, the National Register of Historic Places (NRHP), the official list of our nation's historic places worthy of preservation. It includes districts, sites, buildings, structures, and objects. It also includes places of traditional religious and cultural importance to Tribes.

A property is considered eligible for listing in the NRHP when it is associated with an important historic person, place, event, and is architecturally or archaeologically significant. Additionally, it must retain the historic integrity necessary to convey its significance. The seven aspects of integrity on which a property is evaluated are location, design, setting, materials, workmanship, feeling, and association.

What is an Adverse Effect?

If a project may alter characteristics that qualify a specific property for inclusion in the NRHP in a manner that would diminish the integrity of the property, that project is considered to have an adverse effect. Adverse effects can be direct, indirect, or cumulative, and include the following.

- Physical Destruction or Damage
- Alteration Inconsistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties
- Relocation of the Property
- Change in Character of the Property's Use or Setting
- Introduction of Incompatible Visual, Atmospheric, or Audible Elements
- Neglect and Deterioration
- Transfer, Lease, or Sale of a Historic Property out of Federal Control Without Adequate Preservation Restrictions